REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 73-75, 77-79 and 81 are pending. Claims 73, 77 and 81, which are independent, are hereby amended. Claims 1-72, 76, 80 and 82-88 have been canceled, without prejudice or disclaimer of subject matter. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 15.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II.   REJECTIONS UNDER 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

Claims 73, 77 and 81 were rejected under 35 U.S.C. §102(b) as allegedly unpatentable in view of U.S. Patent No. 5,134,496 to Schwab et al. (hereinafter, merely "Schwab"). Claims 74, 75, 78 and 79 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schwab in view of U.S. Patent No. 5,579,120 to Oguro (hereinafter, merely "Oguro").

III.   RESPONSE TO REJECTIONS

Claim 73 recites, *inter alia*:

"...wherein the identification signal includes **noise-like bits that have a meaning at a certain time width** that **compulsorily sets a given domain to selected bits independent of a statistically represented signal**." (Emphasis added)

As understood by Applicants, Schwab relates to bilateral anti-copying device for video systems. Leading and trailing code sequences are inserted into the luminance portion of a video signal. These code sequences are visually manifested as dropouts on a video monitor. When the sequences match, operation of record circuitry in a video recorder is inhibited. In the preferred embodiment, there are two legal regions in which the leading and trailing code sequences may be inserted. The first region is between lines 35 and 81 of the first field, which corresponds to lines 298 through 344 of the second field. The second region is between lines 181 and 227 of the first field, which corresponds to lines 444 through 490 of the second field. This is illustrated in FIG. 2. Thus, where proprietary video software is encoded in accordance with the invention and the leading code sequence is inserted into, say, line 37 (which is in the first field), the trailing code sequence will be found in line 300 (in the second field). Where the leading code sequence is inserted into, say, line 200 (which is in the first field), the trailing code sequence will be found in line 463 (in the second field). In these examples, the determination is then made that matching leading and trailing code sequences are present and the video signal is known to be encoded and to represent proprietary video software. Accordingly, a record inhibit signal is generated to inhibit the recordation (but not the display) of the video signal for a predetermined period, e.g., 10 seconds.

Oguro is directed to copyright protection for digital signal recording and reproduction. A digital image signal recording and/or reproduction method and/or apparatus by which a copyright protection signal employed by a software tape for use with an analog video tape recorder can be recorded and/or reproduced with a digital video tape recorder of the compression type. When a copyright protection signal detection circuit detects a disturbing signal inserted in a video signal, an output of an analog to digital converter is stored into a memory. An H counter supplies a line number upon detection of the disturbing signal as LINES data to a line pack processing microcomputer.

Applicants respectfully submit that nothing has been found in Schwab or Oguro, taken alone or in combination, that would teach or suggest the above-identified features of claim 1.

Specifically, neither Schwab nor Ogura, taken alone or in combination, teach or suggest the identification signal includes noise-like bits that have a meaning at a certain time width that compulsorily sets a given domain to selected bits independent of a statistically represented signal, as recited in claim 73.

Therefore, Applicants respectfully submit that independent claim 73 is patentable.

Independent claims 77 and 81 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

IV.   DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and requests early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By _____
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800